## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRAL EDWARD KING,

Defendant.

\* \* \* \*

Case No.: 2:14-cr-00264-APG-VCF

ORDER DENYING APPEAL OF

DETENTION ORDER

(Dkt. #56)

Magistrate Judge Ferenbach ordered defendant Tyral King detained pending trial. (Dkt. #7.) King moved for reconsideration of that order, and Magistrate Judge Foley denied the motion. (Dkt. #36). King filed an Appeal (Dkt. #56) from Magistrate Judge Foley's Order.

A defendant may appeal an Order of detention to the district court having original jurisdiction over the offense. 18 U.S.C. § 3145(b). The court reviews the Magistrate Judge's order *de novo*. *United States v. Koenig*, 912 F.2d 1190, 1192-93 (9th Cir.1990). Under 18 U.S.C. § 3142(g), the court must consider four factors in determining whether to detain or release a defendant: "(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug; (2) the weight of the evidence against the person; (3) the history and characteristics of the person; and (4) the nature and seriousness of the danger to any person or the community should the person be released." *United States v. Chen*, 820 F. Supp. 1205, 1207 (N.D. Cal. 1992).

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I have conducted a *de novo* review of the appeal and all related filings. After considering the 3142(g) factors, I agree with Magistrate Judges Ferenbach and Foley that King should remain detained pending trial. Therefore, Judge Foley's decision (Dkt. #36) is affirmed and King's appeal (Dkt. #56) is DENIED.

DATED this 17<sup>TH</sup> day of July, 2015.

ANDREW P. GORDON UNITED STATES DISTRICT JUDGE